

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NORMAN WAYNE SEGO,

Petitioner,

No. 05-CV-74126-DT

vs.

Hon. Gerald E. Rosen

MILLICENT WARREN,

Respondent.

_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION AND
DISMISSING PLAINTIFF'S HABEAS CORPUS ACTION

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on January 29, 2007

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter having come before the Court on the December 12, 2006 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court grant Respondent's Motion to Dismiss and, accordingly, dismiss Petitioner Norman Wayne Sego's petition for a writ of habeas corpus, with prejudice; and Petitioner having timely filed Objections to the Report and Recommendation; and the Court having reviewed the Magistrate Judge's Report and Recommendation, the Objections thereto, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, the petition for habeas corpus relief should be dismissed; and the Court being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of December 12, 2006 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Norman Wayne Sego's petition for habeas corpus relief be, and hereby is DISMISSED, with prejudice.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, pursuant to 28 U.S.C. § 2243(c), no certificate of appealability should issue for purposes of appeal of this matter. The Court will also deny Petitioner leave to appeal *in forma pauperis*. A habeas petitioner seeking to appeal the denial of a habeas petition will not be permitted to proceed *in forma pauperis*, where the appeal would be frivolous. *Hence v. Smith*, 49 F. Supp. 2d 547, 549 (E.D. Mich. 1999).

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: January 29, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 29, 2007, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager